



GP 16245

VIA HAND DELIVERY JULY 23, 2002

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Choi et al.

Attorney Docket No.: PB340P2C2

Application Serial No.: 09/765,272

Filed: January 22, 2001

Publication No.: US 2002/0061545 A1

Published: May 23, 2002

Examiner: Duffy, P.

Art Unit: 1645

Title: *Streptococcus pneumoniae* Antigens and Vaccines

TECH CENTER 1600/2900

JUL 29 2002

RECEIVED

**REQUEST FOR CORRECTED PUBLICATION UNDER 37 C.F.R. § 1.221(b)**  
**DUE TO MATERIAL OFFICE MISTAKE**

**Box PGPUB**  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants respectfully request a corrected publication of the above-listed application pursuant to 37 C.F.R. § 1.221(b) due to a material mistake made by the Office. In particular, the publication fails to list the earliest provisional application to which the instant application claims benefit under 35 U.S.C. § 119(e).

The above mistake is apparent from the Office records, as the Application Data Sheet and the Official Filing Receipt each contain the correct list of priority applications in its entirety. Moreover, the mistake is material, as the missing priority claim affects the use of the published application as prior art under 35 U.S.C. § 102(e). In particular, without the earliest-filed provisional application being listed, an examiner or member of the public would incorrectly presume that the effective date of the publication as a reference was October 30, 1997, rather than October 31, 1996 (the filing date of the missing provisional). In order to make such a determination from the present publication, an examiner or

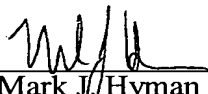
member of the public would first be forced to obtain the correct priority information from the Office, thus undermining the use of the publication (and published applications in general) for § 102(e) purposes.

Accordingly, Applicants respectfully request that a corrected publication of the above-listed application be made pursuant to 37 C.F.R. § 1.221(b).

No fee is believed due for this submission. In the event that a fee is required in connection with this submission, please charge the required fee to Deposit Account No. 08-3425.

Respectfully submitted,

Dated: July 23, 2002

  
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Enclosures  
MJH/ba



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/765,272	01/22/2001	1645	968	PB340P2C2	0	21	6

CONFIRMATION NO. 9690

## REPLACEMENT FILING RECEIPT



\*OC000000008672853\*

000022195  
HUMAN GENOME SCIENCES INC  
9410 KEY WEST AVENUE  
ROCKVILLE, MD 20850

Date Mailed: 08/22/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

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## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 08/961,083 10/30/1997  
WHICH CLAIMS BENEFIT OF 60/029,960 10/31/1996

## Foreign Applications

If Required, Foreign Filing License Granted 08/07/2001

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: Yes

**Title**

Streptococcus pneumoniae antigens and vaccines

**Preliminary Class**

435

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/765,272	01/22/2001	Gil H. Choi	PB340P2C2

000022195  
HUMAN GENOME SCIENCES INC  
9410 KEY WEST AVENUE  
ROCKVILLE, MD 20850

CONFIRMATION NO. 9690



\*OC000000008598192\*

Date Mailed: 08/08/2002

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

## Application Filing Date

In response to your request for a corrected Filing Receipt, the Office is unable to comply with your request because:

- ☐ The correct application number appears on the Filing Receipt. Your postcard included an incorrect application number. Please update your records to reflect the application number on the enclosed Filing Receipt. See MPEP 503.
- ☐ If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, a request for a corrected Filing Receipt should be submitted along with a copy of the Express Mail label showing the "date in."
- ☐ A copy of the Express Mail label was not enclosed with your request. Please resubmit.
- ☐ The date on the Express Mail label is the date given on the Filing Receipt.
- ☐ The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).
- ☐ Filing date of a parent application cannot be changed by this request. A request for corrected Filing Receipt must be directed to such parent application.
- ☒ Applications submitted under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office.
- ☐ The filing date on your return postcard is the same as the date on your Filing Receipt.

A petition under 37 CFR 1.10 or 1.53 is needed to correct the filing date. The petition should be

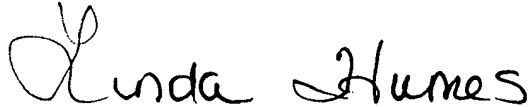
☐ directed to the attention of the Office of Petitions.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

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Initial Patent Examination Division (703) 308-1202

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